THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.3484, 3485, 4114, 4140, 4155, 4161, 4398, 4399, 4401, 4407, 5874 and 5881 of 2005

Dated:24.08.2006

WRIT PETITION No.3484 of 2005

Between:

P. Vijaya Rama Raju and others.

…Petitioners

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.3485 of 2005

Between:

D.V.Raghava Raju.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4114 of 2005

Between:

Chiravuri China Venkata Satyanarayana Raju.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4140 of 2005

Between:

Gottimukkala Lakshman Murthy Raju.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4155 of 2005

Between:

Manthina Raja Babu.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4161 of 2005

Between:

P.Venkata Satyanarayana Varma.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4398 of 2005

Between:

Danthuluri Suryanarayana Raju.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4399 of 2005

Between:

Ch.Kantamma.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4401 of 2005

Between:

Pusapati Satya Gajapati Varma.

…Petitioner

and
The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.4407 of 2005

Between:

Danthuluri Subba Raju.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.5874 of 2005

Between:

P.Varaha Narasimha Raju.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.5881 of 2005

Between:

P.Venkata Narashimha Raju.

…Petitioner

and

The Revenue Divisional Officer, Visakhapatnam, and another.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.3484, 3485, 4114, 4140, 4155, 4161, 4398, 4399, 4401, 4407, 5874 and 5881 of 2005

COMMON ORDER:

The petitioners herein are residents of different Villages in Srikakulam, Visakhapatnam, East Godavari and Ranga Reddy Districts. They filed all the Writ Petitions seeking similar relief in relation to the land comprised in different survey numbers situated at Madhurawada Village, Visakhapatnam (Rural) Mandal, Visakhapatnam District. Therefore, it is

necessary to dispose of all the matters by a common order. Though the matters are listed high up in the weekly list of Thursday i.e.,24.08.2006, the learned Counsel for the petitioners is absent and her Junior sought for adjournment. This Court refused adjournment, having regard to the nature of the case.

The petitioners seek a writ of mandamus declaring the action of the respondents in trying to dispossess them from the land allegedly in their possession as illegal and arbitrary. All the petitioners claim that the land allegedly in their respective possession was granted by way of lease/patta by Raja of Vizianagaram, and subsequently, the petitioners or their predecessors obtained ryotwari pattas under the provisions of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short, 'the Estates Abolition Act'), that they were in possession of the land, but the respondents came to their land and threatened to evict them without due process of law. Therefore, they filed the Writ Petitions. Though interlocutory matters are listed, the matters are taken up for final disposal.

In all the Writ Petitions applications for vacating the stay or counter affidavits have been filed. The counter averments in all the cases are similar. It is the case of the respondents that Madhurawada Village was taken over by the Government under the Estates Abolition Act under a notification, dated 01.07.1949. The land in Survey No.330 is classified as Gayalu (Government Poramboke), and it was subdivided into Survey Nos.368/1, 2 & 3, 369/1 & 2, 370/1, 2 & 3 and 371/1 & 2 with various other divisions. The allegation that the petitioners were granted pattas under the Estates Abolition Act is denied. It is further stated that the land was assigned to the landless poor persons, and subsequently, it was resumed duly cancelling the assignment for violation of the conditions of assignment. In some cases, the land was resumed duly paying compensation, as it was required for Housing Scheme. It is further stated that after resuming the land, it was handed over to the Visakhapatnam Urban Development Authority (VUDA) on 23.02.2005 for construction of houses for general public. It is also alleged that the petitioners claimed the land in excess of land comprised in each survey number. In support of the same, the following particulars are mentioned.

Sl.No.	W.P.No.	Name of the petitioner	Survey No.	Extent	Claimed Extent Ac.cts
1	3484/2005	P. Vijaya Rama Raju S/o.Satyanarayana Raju	370/2(Excess) 370/3(Excess) 371/1	3-42 3-96 4-75	1-29 3-96 2-37
2	3485/2005	D.V. Raghava Raju S/o D. Venkata Raju	368/2 368/3 369/1	3-07 3-60 4-00	1-06 3-60 0-31
3	4140/2005	Gottimukkala Lakshmanamurthy Raju	369/2(Excess) 370/1(Excess)	2-87 4-34	2-53 4-34

4	4161/2005	P. Venkata Satyanayarana Varma	370/1(Excess) 370/2(Excess) 369/2(Excess)	4-34 3-42 2-87	2-30 2-13 2-53
5	4155/2005	Manthina Rajababu S/o Venkatapathi Raju	370/2(Excess) 371/1(Excess)	3-42 4-75	1-29 2-37
6	4114/2005	Chiramuri China Venkata Satyanarayana	367/2 368/1	3-92 3-07	3-93 0-61
7	4407/2005	Dantuluri Subha Raju S/o Suryanarayana Raju	368/1 370/3(Excess) 371/1(Excess)	3-07 3-96 4-75	0-50 1-10 1-07
8	4398/2005	Danthuluri Suryanarayanaraju S/o.Appala Raju	368/1 370/3(Excess) 371/1(Excess)	3-07 3-96 4-75	0-36 1-30 1-00
9	4399/2005	Ch. Kanthamma	371/2(Excess)	3-96	4-45
10	4401/2005	Pusapati Satya Gajapathi Varma	370/1(Excess) 370/2(Excess)	4-34 3-42	2-30 2-13
11	5874/2005	P.Varaha Narasimha Raju S/o.Ramabadra Raju	369/1 369/2(Excess)	4-00 2-87	3-69 0-84
12	5881/2005	Pusapati Venkata Narasimha Raju	368/1(Excess) 368/2	3-07 3-07	2-46 2-01

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The petitioners are not in possession of the land and the allegation that there was a threat of eviction is denied. The vacate stay petitions were filed by the respondents in April, June, July and August, but no reply affidavits are filed. Therefore, this Court has to proceed on the uncontroverted counter averments made by Mandal Revenue Officer.

Along with the counter affidavits, certified copy of the Settlement Adangal has been annexed showing the old Survey No.330 as assessed waste dry and Gayalu (Poramboke). This is a public document, which cannot be lightly ignored. Further, the petitioners have not enclosed any unimpeachable evidence in support of the petition allegations. Though the Xerox copies of the typed forms have been annexed, an allegation is made in the counter affidavits that they are fabricated. This remains uncontroverted. Secondly, when it is the case of the respondents that old Survey No.330, Gayalu or Government Poramboke land, was taken over as part of Madhurawada Estate under a notification dated 01.07.1949 issued under the Estates Abolition Act, curiously, the Xerox copy of the lease/patta granted by the Manager of Raja of Vizianagaram mentions sub divisional survey numbers, which is quite improbable. When the land was allegedly allotted to the petitioners' predecessors in 1912, the land was classified as Survey No.330 and is it not possible for allotment of land in Survey No.330 with sub divisional numbers. This improbablises the case of the petitioners. Lastly, though an assertion is made that pursuant to the pattas granted by the Raja of Vizianagaram and thereafter ryotwari pattas under the Estates Abolition Act, the petitioners are in possession of the land, no contemporaneous document is produced to prove the possession as on the date of filing of the Writ Petition or prior thereto. This Court therefore, holds

that the Writ Petitions are misconceived and devoid of any merit.

The Writ Petitions are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

24.08.2006
vs